

The constitutional and legal status of the Institution of Family

Saida Bahram Hasanzadeh

International relations and international law department of the
Institute of Philosophy and Law of ANAS
saidahasan@gmail.com

Abstract

In the paper author considers that ‘family’ is institution, founded by man and woman for the purpose of continuation of kin, containing the social forms and legal sense of joint living, adopted in society. The new Constitution of the Azerbaijan Republic has recognized the right of every family, including every woman to social maintenance. The legal definition given to family as a complex institution may be characterized by similar or differing from each other elements. Family is a union of the adult man and woman, concluded by mutual consent and wish, for the purpose of satisfying physiological and biological needs, based on love, domestic and economic community, created as a kind of unity of a man and woman on the basis of a voluntary consent. Now there is the necessity of introducing changes in a given Code in a sphere of preventing the groundless divorces, increase in social well-being of a family and children defining concretely the role of the father and mother in governing family.

Keywords: *constitutional, legal, law, family, institution.*

1. Introduction

In modern democratic countries building a legal state, the Constitution takes an irreplaceable place and plays role of its own. It defines the status of the basic institutions serving the most important

and global role in socio-political and legal life, and grounds on the legislative base. From this point of view, the Constitution of the Azerbaijan Republic, adopted on November 12, 1995 by referendum in years of independence, regulates the most significant and main aspects of specifically essential social relations and values of importance for society, state and personality, regulates their bases [16, 3-16]. As to regulation of other interrelations, it is carried out by adoption of other normative and legal acts. The state has not any other normative-legal act of such significance as the Constitution is. In this sense, the Constitution is considered to be the normative and legal act regulating the foundations of forming state, society, legal status of personality, local self-government.

2. Materials and methods

The subjects of legal interrelations, personality and social groups – religion, family, state, people and other similar institutions, their status and legal condition have found their reflection in the Constitution. In democratically legal states constitutions regulate the foundations of state and people will independence, basic rights and freedoms of man and citizen what is clearly reflected in their content. The Constitution is considered a system of norms, having higher juridical significance in the legislation, determining basic interrelations in society, state, between personality and collective. This document exerts positive influence on such social phenomena as family, religion, on social values such as paternity and maternity, in general, on interrelations existing in social system, as well creates a clear-cut base and solid fundamentals for the formation of the new values. And dedication of Article 17 of Chapter II “Foundations of state” of the Constitution of AR namely to “family, children and state” may be estimated as a result of high appraisal given to the institution of family on side of the state [16].

Etymological concept of the word family

The word “family” (aila) is used in Azerbaijani coming from the Arabic word “avl” by its etymology, means “support”, “unity” of people, trusting each other [8]. A family is a base constituent of society and state. By enveloping an aggregate of family unions, the state, in its essence, consolidates them in itself. There are identical elements in governing by a family and state. The family is a miniature state, and the state uniting in itself the family organizations, their aggregate may be characterized as a union of the families. The families are created on the basis of marriage, form by principle of blood relationship, consolidated by the system of traditional interrelations like mutual responsibility and duties of family members to each other, mutual aid. In a family the material, moral and ethical values shape education, the formation and development of the youth take place namely in a family and due to it passed from generation to generation, grounding on the national and

moral values. As the American scientist L.Morgan noted “a family is an active origin source, it never stands still, as much as society is being developed from the lowest point to the highest one, so it also runs this way” [13, 189]. The family is a source providing a dynamic increase and development of population and man-power resources from biological point of view. Love, devotion, sincerity, moral satisfaction, development and evolution are in its base. Without family, no society and state exists. The family is a social institution that provides for advancement of society and state.

Legal and social nature of the family

Sociologists consider that “family” is institution, founded by man and woman for the purpose of continuation of kin, containing the social forms and legal sense of joint living, adopted in society. From the moral point of view its structure consists of customs, traditions, habits regulating intra family interrelations, and subsequently the legal norms, rules of concluding marriage, bound with the status of the parties, their rights and duties, as well a system of symbols, affirmed by society in this sphere of life [28, 168].

In the basic legislative acts of the countries, attaching a particular importance to family values, the institution of family, the constitutional consolidation of these values, as a rule, refers to the XXth century and the first decades of the XXIst century. In Soviet time, in the Constitutions of the Azerbaijan Republic adopted in 1921, 1925 (partially) and 1937 the independent norms or independent Articles, dedicated to the family institution were not envisaged [14, 100-121]. In the Constitutions of the Azerbaijan SSR, adopted in Soviet times the status of a family as social unit and fundamental institution was not given a concrete place, at best, it was content with consolidation of the norms, determining the legal equality of men and women. However, the legal status of a family on the constitutional level has been reflected first in the Constitution of the Azerbaijan Republic adopted in 1973, made ready and submitted to discussion by the National Leader of Azerbaijan Heydar Aliyev. In Article 51 of this Constitution, even if in no ideal form, but nevertheless, for the first time, the status of a family was consolidated in the individual norm. It pointed out that a family is protected by state. Marriage is based on a voluntary consent of a woman and man; husband and wife are absolutely equal in family interrelations [17, 100-121]. In addition, in Article 33 of this consolidation the legal equality of women and men was sealed [17, 100-121].

There comes such a stage of advancement of society, state, nation, civilization, when there emerges the historical necessity of the constitutional consolidation of certain institutions, units, phenomena and

values. The world processes like globalization, integration and transformation began in the 80-90-es of the century, were resulted in the breakdown of the USSR and restoration of sovereign statehood of the Azerbaijan Republic. "The act on the state independence of the Azerbaijan Republic" adopted on October 18, 1991 by the Supreme Soviet, was once more confirmed by the referendum carried out on December 29, 1991, thereby consolidated the legal base of its legitimacy. In the first years of independence, in Article 17 of this document, having the constitutional character, there was declared that the state will patronize a family – the primary and natural cell of state, as well as maternity and childhood, "providing respect of rights and freedoms, following from the law... to interest of an individual personality... to take care of improvement of condition and social protection" [21, 7-8]. Though this document was of the constitution type, but it couldn't be considered the Constitution properly. For this reason, the project of the Basic Law the first in years of independence, namely the project of the Constitution of the Azerbaijan Republic, made ready as a result of the merit of the National leader of Azerbaijan Heydar Aliyev, was adopted by referendum carried out on November 12, 1995. Subsequently by referendums carried out in 2002 and 2009, there was guaranteed improvement of different Articles and provisions of the Constitution [25]. Article 17 "Family, children and state" and Article 34 "Right to marriage" of the Constitution took a certain place and was provided for the constitutional and legal consolidation of these institutes. As well, in Article 25 there was envisaged the right to equality between men and women, in Article 38 – right to social maintenance for the loss of a breadwinner, on that rendering an aid to the indigents is in the first place, duty of members of their families, right to using mother tongue, in Article 66 – non-admission of forcing to testify against oneself, wife (husband), in one word, against near relations, in p. 14 of Article 94 – provision on that general rules in relation to family provisions are established by Milli Mejlis, in p. 20 of Article 109 on that decision of the questions of citizenship refers to the powers of President of the country [16].

The constitutional foundations of the family

The new Constitution of the Azerbaijan Republic has recognized the right of every family, including every woman to social maintenance. So, the care of the disabled is recognized, in the first place, a duty of his family members. Despite that in the Constitutions of some countries the status of a "family" as institution, union, relying on the system of the fundamental values of the mankind and society is not envisaged, in the Constitutions of Italy, Germany, Russia, Turkey and other advanced countries it is consolidated in a kind of an independent norm. Article 29 of the Constitution of the Italian Republic points to that the republic

recognizes the rights of a family as a natural union based on marriage. The marriage is based on moral and legal equality of husband and wife within the limits for the purpose of guarantee of the family union established by the law. In Article 31 of mentioned Constitution it is noted that the republic creates conditions by economic methods and different allowances in foundation and provision of the families, in particular of large ones. The republic renders support to the organizations taken commitments on care of motherhood, childhood and infancy [18, 35]. In Article 6 of the Constitution of the German Federal Republic it is indicated that marriage and family are under particular wardship of state... Every mother has a right to wardship and support of society [18, 67]. Article 38 of the Constitution of the Russian Federation points to that family, maternity and childhood are under protection of the state. The rights and duties of the parents in a sphere of care and education of children are equal. The able-bodied children on reaching 18 years are obliged to maintain the disabled parents [20, 36]. In conformity with Article 41 of the Constitution of the Turkish Republic a family is a base of the Turkish society, and relations between husband and woman are established on the basis of equality. The state, for the purpose of safety and well-being of family, applying the formation of family planning, protection of mother and children (carries out), undertakes the purposeful measures. Every child has a right to use the care and wardship, to build and continue personal and direct interrelations with the mother and father. State undertakes the protective measures against any kinds of exploitation and cruel treatment of children [3, 26-27]. In Article 17 of the Constitution of the Azerbaijan Republic it is pointed to that a family as a basic cell of a society is under a particular wardship of state [16, 10]. As it is obvious from comparison in the constitutions of both the Turkish Republic and the Azerbaijan Republic, the institution of "family" considered as a cell and basis of a society, by its constitutional and normative consolidation, represents the result of a high appraisal of a family. The Constitution of the Italian Republic adopted the status of a "family" by recognition of it as "a natural union" [18, 35]. Despite that international and European law has not given the concrete definition of notion "family", in full measure, it highly valued family as indispensable part of human life. It is connected with that regardless of concluding or lack of the official marriage, international and European law admits creation of "family life" by man and woman as their natural right [6, 341, 349, 374, 391]. Apparently, namely for this reason The Constitution of the Russian Federation, for instance, attaching to the citizens of the Russian Federation human rights and freedoms, on the whole recognized by international law, in this document does not

stipulate concretely the right of a citizen to “marriage” [19, 8, 9, 14]. However, Article 34 of the Constitution of the Azerbaijan Republic is dedicated namely to the “right to marriage” [16, 18].

Approaches to the definition of family

The legal definition given to family as a complex institution may be characterized by similar or differing from each other elements. At different times and by different authors a family was given different notions, definitions, explanations and commentaries. The authors of the Azerbaijan Soviet Encyclopedia indicate that a family is a small group based on marriage or bloody kinship. Members of the family represent a stable social group, linked between themselves by domestic unity, moral responsibility and mutual aid [15, 187]. The same opinion is reflected in the “Philosophical Encyclopedia” too [24, 602]. Philosophers, sharing the opinion of the authors of the Demographic Encyclopedia, characterize a family as a group of persons, based on marriage or bloody kinship and linked between themselves by domestic unity and mutual responsibility [5, 385]. Professor G.Manayev pointed out that a family is a unity, alliance of a man and woman based on marriage or kinship, enveloped by state wardship and been a cell of society [10, 18]. In the vocabulary of gender terms it is indicated that a family is a small group, based on marriage, bloody kinship or adoption and forming on a base of joint relations in everyday life, mutual responsibility and mutual aid [27, 3-5]. Professor M.Demirchiyeva characterized a family as bound by the marriage or relative links, jointly living group of persons [4, 6]. A number of such definitions, given to family, may be counted for quite long time. However, from the commented definition, one can draw such conclusion that when speaking on family, it is necessary to take into regard historically established attitude to it. Both the social and legal definition of family, in a form of union of man and woman, has ancient and broad historical roots. For this reason, in scientific literature the notion “family” is considered one among the definitions, characterized by various many-sided and dynamically developing determinations. Explanation of a family by union, basing on the marriage interrelations of a man and woman, been the product of a definite historical period, affords possibility of the right and just regulation of the legal decisions on interrelations between family members, legal characteristic of relations between other members of a family, their duties, functions, responsibility and obligations. Thus, taking into regard the opinion of different authors, the basic provisions of the norms of international and national legislation, notion of a family may be determined as follows:

The definition of family

Family is a union of the adult man and woman, concluded by mutual consent and wish, for the purpose of satisfying physiological and

biological needs, based on love, domestic and economic community, created as a kind of unity of a man and woman on the basis of a voluntary consent and equality aimed at creation of kin, birth of children, been under a particular wardship of state, laying foundation of a society and registered in a form of marriage, registered in the respective bodies of the executive power and in conformity with the procedure order established by state.

Registration of the marriage in the corresponding bodies, aimed at creation of the union on the basis of a voluntary consent of man and woman, is a legal ground permitting to consider a family founded, in fact. Despite that for the appearance of the institution of a family registration of the marriage is considered an important legal aspect, long before there emerged such phenomena as “marriage” and “religious marriage” (kabin), historically existed alliance of man and woman, i.e. union similar, in its essence, to the present notion of a family [27, 5]. In connection with that in years of the independence, the Constitution of the Azerbaijan Republic was adopted as a result of the nation’s referendum and is a manifestation of people’s will it is more legitimate and possesses a powerful legal force and inherent mechanisms of realization. The constitutional and legal regulation of social relations, been a particular important and significant issues in the life of society and state, may be considered the highest appraisal that is attached to these questions on side of state. The family is considered to be the most reliable and trustworthy stronghold for society, personality and individual man from the material and psychological point of view. From this point of view, the family underlies the basis of the material, moral, psychological, sociological, economic, political development of a society, state and mankind [12, 99-107]. In the Azerbaijan Republic building a social, democratic and secular republic, reflection in the Constitution of family as being in the basis of state, rendering a specific wardship to its development has a great characterizing significance. There was taken into regard a tremendous significance of a family in advancement of the people. Society and people have found their embodiment in a family, joined and developed. State consists of people, aggregate of the families, forming it as a community. For this reason, in recent years with the aim of a positive solution of the complicated processes, crises, emerging in society, in relations between state and family, increase in role of the family is considered, in particular important. Thus, on October 3, 2014 within the frames of the IV Baku international Humanitarian forum on theme “Comparative investigations of multiculturalism: from theory to humanistic practice” ex-president of the Latvian Republic Valdis Zatlers in his speech stated the well-grounded theses on that in conditions of

contemporary crisis possibility of solution of global problems is seen in the development of family interrelations [11, 7-35]. In the main two views exist on the question of a family origin. They consider that in the beginning of the primitive communal system there predominated improper sexual intercourse, in conformity with a maternal and paternal kin, matriarchy and patriarchy were forced out by pair marriage interrelations [23, 19]. The analysis shows that on the basis of the system of relations inherent in family, domestic unity, the family, rights of family members, their duties and mutual responsibility, in total, may be considered the basic legal qualities characterizing a family, on the whole. The notion "marriage" as the most important constituent element of definition, characterizing a modern family from the legal point, may be considered as a complex of actions on registration of the marriage in the corresponding bodies, completed by giving an official state document – a certificate confirming the creation of a family by man and woman. It may be considered a necessary juridical element enough for the official foundation of the family from the legal point of view. The wide rights and duties of family members – mother, father, and children are consolidated, in full measure, in the Constitution of the Azerbaijan Republic [16].

In a sphere of the positive regulation of the modern problems of the institution of "family" in our country there have been made ready and adopted some historically significant documents. In such document as state program of "Reducing poverty and stable development for 2008-2015", the National Strategy "Development of science in 2009-2015" and State Program on its realization, State Program "On affirmation of the state strategy on development of education in the Azerbaijan Republic", "The National plan of the activities on development of an Open Government for 2012-2015", "Strategy of development of the Azerbaijan youth", "The National Program of gender equality", "Conception of development Azerbaijan 2020: vision of future", "The National Program of activities in a field of increasing an efficiency of protection of human rights and freedom", "Strategy of the Azerbaijani family", "The national strategy on children" and other programs, the issues of study, complex investigation of problems of a family and children, the institutions of family and marriage, as well their improvement by way of strengthening attention to scientific research, were envisaged as directions of priority in this sphere. As well, an approval by the Decree of President of the Azerbaijan Republic of the State Program "On improvement of mother's and child's health for 2014-2020" and adoption of the law "On state aid to the large families" is a result of attention paid to the development of a family. The legal regulation of marriage and family relations in the Azerbaijan Republic is carried out on side of the state and, only marriage

registered in the corresponding body of executive power is recognized. Afterwards restoration of its independence, Azerbaijan in the “Constitutional act on state independence” committed itself to showing supremacy to human rights and freedoms, deferential attitude to these rights, including self-protection of the family rights [21, 3-10].

The whole of the third Chapter of the second section of the Constitution of the Azerbaijan Republic is devoted to the “Basic rights and freedoms of man and citizen, the thesis of equal rights of man and woman was consolidated. On the whole, in the Constitution consolidation of rights and freedoms of a family has found a wide reflection afterwards adoption of the Constitution of the Independent Azerbaijan Republic, in our country on December 28, 1999 these were adopted the Civic Code, Citizen-Procedure Code, on May 19, 1998 the Law” and other numerous normative-legal documents. There were adopted many the most necessary legislative acts in a sphere of protection of the minor and children, inseparably linked with a family right. The long period of time has already passed since the project of Law “On safeguarding of reproductive health and planning a family” was submitted to discussion of different organizations and specialists, arising a wide interest in the country. By the Decree of President of the Azerbaijan Republic Ilham Aliyev dated February 6, 2006, the status of “State Committee on problems of woman” was improved and on its base there was founded “the State Committee on problems of family, women and children”, the powers, rights and sphere activities have been extended, to a great extent. On October 10, 2006 the Law “On provision of gender equality” was adopted, on June 22, 2010 the Law “On elimination of domestic violence” was adopted for the first time in Azerbaijan [2, 9-15].

The Constitution of the Azerbaijan Republic adopted by referendum on November 12, 1995 cannot be considered dogma. It, as a result of creative thinking, was improving the processes taking place periodically in the social and political legal life of the country. So, by referendum carried out on August, 2002 there were introduced into Articles – 3, 27, 71, 76, 83, 88, 89, 95-96, 101-102, 105, 109, 125, 128, 130-133, in all, 24 changes and supplements. The real condition in the life of society, state and family and marriage relations caused the necessity of carrying out more important changes in the constitutional norms what was made by referendum dated March 2009. So, there were added the following words and word-combinations: to Article 12 of the Constitution devoted to the highest aim of state – “worthy level of life to the citizen of the Azerbaijan Republic”, in Article 15, devoted to economic development and state relations – “social direction”, in title of Article 17 – “child”, as

well to the text of Article – “Children, having no parents or tutors, deprived of parents’ care, are in the charge of the state”, “Prohibited to draw the children to activities that may threaten their life, health or moral”, “The children not reached 15 years cannot be taken to work”, “State controls an implementation of child’s rights” to Article 32, dedicated to the right to personal immunity – “and family life”, “Everyone possesses a right to protection against illegal interference with personal and family life” and other changes, thereby the mentioned Articles were more improved. Thus, by this referendum there were introduced into Article 12, 15, 17-19, 25, 29, 32, 39, 48, 50, 67, 71-72, 75, 84, 88, 92, 95-96, 101, 108-109, 125, 129-131, 146 and 149 of the Constitution of the AR, in all, 29 changes and supplements. As perceived, the legislative body has made by two last referendums in conformity with the important changes occurred in the life of the country and adequately to them, changes and supplements, on the whole, to 53 Articles of the constitution, the most part of which may be considered directly dedicated to the family and marriage relations, extending and protection of rights of a family and children [22; 26].

The development of a family, its integrity, prosperity, without exception, is at the head of stability and progress of every state. The family is of great importance not only in a field of developing social relations, it is also one of the basic institutions providing historical integrity of human society. In the period, when in the USA and western countries, a serious crisis in family relations is being suffered, the marriage is to be based, in the first place, on human interrelations, love and friendship, greater attention should be paid to property rights and duties of a husband and wife, which are determined by concluding the marriage contract [1, 63]. “Californian syndrome”, the negative manifestation in a society, is characterized by that a man thinks more about himself, behaves selfishly, prefers work, career, calmness, freedom of actions, unofficial civic marriage with a woman as a result of what a family and model represent historically an alliance of people – an adult man and woman, concluded by mutual consent and wish, based on love and affection, recognizing the leading role of a woman in social and family life, being formed on the basis of national habits and traditions, strong moral and ethical and mental values, respect and honor for the elders, love of children, tenderness and attention, created for the purpose of satisfying physiological and biological needs grounded on joint domestic life and economy, created as a kind of community of a man and woman, grounding on a voluntary consent and equality, aimed at creation of kin, birth of children, been under a particular wardship of the state, laying down the foundations of society and formed as a marriage

registered in the respective bodies of the executive power in conformity with procedure order established by state [9].

At one time the famous French philosopher Rene Descartes wrote that times changes and we change together with them. The changing times simultaneously with that dictate to us the new realities of life; make people to adapt to the new principles of common living. The progressive character of renovation in the life of society in all the countries correspondingly influences on a tenor of life the family, aims, general principles. The modern Azerbaijani family answering adequately to realities of time, is being modernized, becomes up-to-date and more strengthened [9].

Conclusion

After the Constitution of the Azerbaijan Republic regulation of a family and family relations has been more completely reflected in the Family Code of the Azerbaijan Republic. This Code adopted by the Law dated December 28, 1999 determines conditions and rules of concluding, breaking off and invalidity of the marriage. It regulates the property and personal non-property relations, emerging between family members, and in cases foreseen by the legislation, between other relatives and persons, determines the rules of taking the children, deprived of parents' wardship, for education [7, 5]. However there arose the necessity of introducing changes in a given Code in a sphere of preventing the groundless divorces, increase in social well-being of a family and children, defining concretely the role of the father and mother in governing family. The Azerbaijan Republic ratified tens international and legal document including those connected with the rights and freedoms of children, legal status of natural child, international adoption of children, trade of children, childish prostitution and pornography, on drawing the children to armed conflicts, protection of childish work, and in connection with it the national legal norms were adopted. By the law dated may 31, 2002 the Milli Mejlis approved "Provision of the Commission on protection of rights and affairs of the minors", on May 24, 2005 there was adopted the Law "On preventive inspection of child homelessness and offences of the minors". As well adoption on August 30, 1999 of the Law "On social protection of children, lost the parents and deprived of parent" wardship was of important significance for realization of the constitutional norms connected with children. Besides, there should be concretized the rights and duties of the parties in governing a family. Despite that a number of cases of violation within family are being increased from year to year, its constitutional provision has not been concretized. In Article 226 of the Constitution of Brasilia, in Article 42 (of the 5th) of the Constitution of Colombia, in the

Constitutions of Ethiopia, Viet-Nam. India, the Netherlands, Latvia, France, Bangladesh, Israel and in some other countries a family violation in that or other form was banned. In this sense, proceeding from urgency of the present time the necessity emerged to make changes in the Constitution of the Azerbaijan Republic. More than twenty years have passed since adoption of our Constitution. Both in the socio-political life and the constitutional status of the institution of the family and its individual members, the necessity of making perfect has emerged [7, 3-7]. Thus, carried out researches and comparisons indicate to the necessity of improving the corresponding constitutional norms for purpose of the reliable protection of the institution of a family, its status, rights and freedoms of its members. Carrying out such changes proceeds from the last requirements of the international and national legislation in a sphere of family and institution of family. Originating from the above-stated we suggest to present Article 17 of the Constitution of the Azerbaijan Republic in a following new edition:

“Article 17. Family, child and state

I. Family as a natural and basic cell of a society is under a particular wardship of state. The family possesses a right to protection by society and state. Family violation is prohibited by law and is punishable. The state renders a necessary aid to development of a family. In family relations including also realization of the family duties and responsibility and governing a family, the husband and woman are completely equal. The family as much as possible, in particular in the main period of creation, being somebody's dependent or education of small children is all-round protected and defended by state, is provided for the necessary standards of life. Maternity and babyhood give a right to a particular wardship and help. Maternity, paternity, childhood is protected by the law. The state provides protection of rights, duties and freedoms of family members established by international and national law.

II. Everyone under 18 years, i.e. not attaining majority, is considered a child. Born in the marriage and natural children enjoy the same social protection. Every child, directly after birth, possesses the right of registration, receiving name, to be admitted to the citizenship.

The children and youth have the general economic and social rights. To take care of children, educate them is a duty of the parents. The parents should take care of education and rearing the children, make them ready to socially useful work, foster them as worthy members of society. The performance of parent's duty is under surveillance of the state. The state gives a family support through creation and extension of a broad net of the educational and training institutions, organizations and improvement of domestic service and public nourishment, payment of extraordinary allowance, after birth of a child, apportion of allowances to

the large families for purpose of improvement of their financial position, giving advantages, as well payment of other necessary grants to family, rendering aid and improvement of as much as possible, living conditions. The state grants an extra-ordinary and constant allowance to the large families.

III. Children having no parents and trustees, deprived of parent's wardship till attaining 18 years are under the wardship of state.

IV. To draw the children to illegal activities that may threaten their life, health and moral is prohibited.

V. Children under 18 years cannot be taken on work.

VI. State supervises over implementation of the rights and freedoms of family, woman and children stipulated by international and national legislation".

We consider that adoption of a new project proposed for the purpose of further improvement of the Constitution of the Azerbaijan Republic will serve a cause of modernizing of both the Family Code, on the whole, and its certain, other corresponding normative-legal acts as well. And this, in its turn, will make contribution to the constitutional regulation of the rights and freedoms of the institution of a family and its members, laying down the foundation of a society and state.

THE LIST OF USED LITERATURE:

Aliyev Sh. Scientific and practical commentary on the Constitution of the Azerbaijan Republic. B., 2000

Collection of the legislative acts of the Azerbaijan Republic. B., 2006

Constitutional law of Turkey. 3 Baski, Ankara, 2014

Demirchiyeva M. Family law of the Azerbaijan Republic. B., 2008

Demographic encyclopedia. M., 1985

European Court on human rights, commentary and normative acts. B., 2006

Family Code of the Azerbaijan Republic. B., 2014

<http://az.wikipedia.org/wiki/Ail%b9%99>

Jabrailov R. How to secure a family model against a negative influence of globalization // Newspaper "Azerbaijan", April 16, 2015

Manayev G.I. Soviet family law. B., 1989

Materials of the IV Baku international humanitarian forum (speeches of Mr. Ilham Aliyev, Valdis Zatlers (ex-president of the Latvian Republic) and oth.). B., 2014

Nechayeva A.M. Family as an independent object of legal protection. State and law. №2, 1996

- R.Marx, F.Engels, Selected Works in 2 volumes, II v. B., Azerneshr, 1953
- Seyidov A. Heydar Aliyev and the Constitution of the Azerbaijan Republic. B., 2009
- The Azerbaijan Soviet Encyclopedia. B., 1976, vol. 1
- The Constitution of the Azerbaijan Republic. B., 2014
- The Constitution of the Azerbaijan SSR. B., 2009
- The Constitution of the Italian Republic // Journal "Law", 1994
- The Constitution of the Russian Federation. M., "Iris-press", 2015
- The Constitution of the Russian Federation. M., 1994
- The constitutional act on state independence of the Azerbaijan Republic. B., 1994
- The journal "Lawfulness". 2002. №6
- The philosophical encyclopedia. B., 1997
- The philosophical encyclopedia. M., 1983
- The special ballot-paper of the Central Electoral Commission in connection with referendum dated. March 18, 2009. B., 2009
- The special bulletin of the Central Electoral Commission of AR. B., 2009
- The vocabulary of gender terms. B., 2005
- Vahidov F., Agayev T. Sociology. B., 2013